THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.No.19398 OF 2004

ORDER:

The petitioner is the authorized dealer in respect of the fair price shop of Nagsanpally village, Medak District . The authorization of the petitioner was cancelled by the Revenue Divisional Officer, Medak by order dated 27.01.2004 on the ground of certain alleged irregularities in distribution of essential commodities. That apart, the Mandal Revenue Officer, Papannapet, by order dated 17.9.2004, directed the petitioner to pay a sum of Rs.58,730/- towards the value of 72 quintals of Food for Work Rice allegedly misused by the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the Joint Collector, Medak at Sangareddy. The Joint Collector while entertaining the appeal, initially, by order dated 20.09.2004 granted stay of recovery pursuant to the order of the Mandal Revenue Officer dated 17.9.2004, pending the appeal. However, subsequently by order dated 13.10.2004 the order of stay was vacated. The present Writ Petition has been filed aggrieved by the said order of the Joint Collector, dated 13.10.2004.

One Mr. M. Sanjeev Reddy, on whose complaint proceedings were initiated before the Revenue Divisional Officer, got himself impleaded as the 3rd respondent, and filed a counter-affidavit opposing the Writ Petition.

I have heard the learned counsel for both the parties and perused the material on record.

As can be seen, the appeal before the Joint Collector, Medak at Sangareddy, is still pending against the order of cancellation of the authorization of the petitioner. This Writ Petition is filed only against the order dated 13.10.2004, which was passed by the Appellate Authority, pending the Appeal. The contention of the petitioner is that the said order was passed by the appellate authority without notice to him. This Court while directing *Rule Nisi* by order dated 19.10.2004 stayed all further proceedings pursuant to the memo issued by the Mandal Revenue Officer, dated 17.09.2004. In the circumstances, though the learned counsel for the petitioner

raised various contentions on merits, I am of the opinion that it is not necessary for this Court to express any opinion, since admittedly the statutory Appeal is pending. It is open to the Writ Petitioner as well as the 3rd respondent to put forth their grievances before the appellate authority, in which event, the same will be considered and appropriate orders will be passed in accordance with law.

Accordingly without expressing any opinion on the merits, the Writ Petition is disposed of with a direction to the Joint Collector, Medak District at Sangareddy, to dispose of the appeal pending before him, which is filed against the order of the Mandal Revenue Officer, Medak, dated 27.01.2004 as expeditiously as possible, and pass appropriate orders in accordance with law, within a period of 8 (eight) weeks from the date of receipt of this order after hearing the Writ Petitioner as well as the 3rd respondent. It is also made clear that till the appeal is disposed of, the memo issued by the Mandal Revenue Officer dated 17.9.2004, which was stayed by this Court during the pendency of this Writ Petition, shall not be given effect to. No costs.

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(G. ROHINI, J.)

23rd November, 2005.

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THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.No.19398 OF 2004

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23rd November, 2005.

Between:

B. Yabbanna. .. Petitioner.

And

The Mandal Revenue Officer,

Papannapet, Medak District

And another. .. Respondents.